

California Sportfishing Protection Alliance

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"Saving, Restoring and Protecting California's Fishery Resources"

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Comments on the CALFED Bay-Delta Program's Draft Programmatic Environmental Impact Statement - Report / June 1999

The California Sportfishing Protection Alliance, on behalf of its members and affiliated organizations, has the following comments regarding the DEIS-R as a planning and decision making document. In general, we find the documents fails to meet the standards established by the National Environmental Quality Act and the California Environmental Quality Act to disclose all significant impacts associated with the preferred alternative. The document also fails to properly analyze how the preferred alternative will achieve the multiple goals agreed upon as the guiding principles of the CALFED process. We believe the DEIS-R requires significant revision, or a supplemental document, to address our concerns prior to a final decision regarding the implementation of the documents preferred alternative.

The DEIS-R also needs to address the following significant concerns:

1(A). The "Preferred Program Alternative" in the DEIS-R purports to restore the estuary while assuring the continued export of water supplies out of the estuary. It proposes to use an "enlarged through the Delta" export system in conjunction with a comprehensive ecosystem restoration program to achieve these goals. Yet, the document does not disclose how enlarging the present system, which has devastated the estuary's ecology, will enable the restoration of the estuary. It does not clearly explain how *sending more water through the Delta for water export purposes* can possibly help to restore the estuary and its fishery resources.

(B). The DEIS-R needs to specifically explain, based on sound scientific analysis, exactly how building a larger through-Delta export facility will re-establish the requisite hydrological conditions to restore the estuary's productivity. Such analysis should include an accurate description of the anticipated changes in Delta outflow when compared to the current flow regimes, when such changes will occur and what operational parameters will be adopted to ensure these changes are not detrimental to the estuary's productivity.

(C). The DEIS-R should quantify all of the anticipated significant environmental impacts that will likely occur as a consequence of enlarging the current system. Since the primary reasons for the decline in the estuary's ecology is due to the massive amount of water exported out of the estuary, the timing of that export, and the way it is moved across the Delta, the DEIS-R needs to clearly explain how *exporting more water is compatible with providing the estuary with the increased*

amounts of water it requires to restore its ecological functions including the aquatic productivity necessary to restore the estuary's fishery resources.

(D). Since the DEIS-R proposes no re-allocation of the public's water supply currently being exported out of the Delta and its tributaries, and because it does not provide a water acquisition program that would increase Delta outflows to restore the estuary's ecology, the DEIS-R needs to address how it is possible for the preferred alternative to restore the estuary without providing the additional water.

(E). The document fails to establish a clear plan to accomplish water acquisition and a deliverable assurance on how and when additional water supplies will be acquired and made available to flow through the estuary into San Francisco Bay. Such specificity is essential if we are to evaluate exactly how this comprehensive ecosystem restoration plan will work. The document should disclose the environmental consequences that will occur to the estuary should such flows not be provided at the right time, in the right amounts, and of the proper quality.

2. The Environmental Water Account, as proposed in the document, could become a viable institutional arrangement if, among other criteria, it is configured to include:

(A). current flow requirements as the baseline for Delta outflow.

(B). the authority and funding to develop a water acquisition program needed to acquire all flows above this baseline necessary for ecosystem recovery and fishery restoration while ensuring all such flows will be additive to, and not merely replace existing flows in the estuary.

(C). the authority to dedicate these flows solely for ecological purposes and to determine how and when these flows will be used to maximize the opportunities to restore and maintain the estuary.

(D). the authority to ensure such flows are not diverted or exported without permission from EWA and to enforce these provisions.

(E). the mandate that water saved by water conservation, recycling, groundwater management and from water developed through alternative water supplies will be used to reduce the amount of water exported from the Delta.

3. The document does not make restoration of recent historical levels of fish and wildlife an objective. Instead, it opts for achieving "sustainable levels" which may well be far below the average abundance of these resources during the period from 1950-1970. Sustainable goals could be interim objectives, but the long term goal of the estuary's ecological recovery should be tied to restoration of fishery levels from

which they have been degraded due to the development of the estuary's water resources. The government, as the public's trustee of these resources, is obligated to restore them to recent historical levels.

4. The DEIR-S fails to stipulate that all the tributaries to the Bay-Delta estuary should be required to supply a fair and equitable share of their water to the Delta as their contribution to Delta outflow. Such criteria are sorely needed to ensure that all tributaries play an equitable and affirmative role in providing water to the ecological needs of the estuary.

5. The current water quality standards for the estuary and those proposed in the document do not adequately protect the estuary's aquatic habitat. All pollution that is deleterious to aquatic life must be stopped at its source or else the systems productivity will continue to be degraded as will other beneficial uses. Water quality standards that actually protect the estuary's entire food web from pollutants are crucial to ensure the recovery of the estuary's productivity.

6. The proposed steelhead objective needs to be revised to establish an appropriate long term restoration objective for Central Valley steelhead. Such an objective should include the optimization of all available steelhead habitat to enable it to sustain steelhead at its maximum carrying capacity, and the water temperatures in the estuary's tributaries to realize this objective.

7. The preferred alternative should include the flows to restore the striped bass fishery so devastated by water export from the estuary. This valuable public resource should be restored on a coequal basis with other of the estuary's fishery resources. Such actions should be closely coordinated with salmon and steelhead efforts to ensure compatibility. It is imperative that this fishery be provided the flows to restore its spawning success and the survival of young fish through their first summer. The flows required to carry these fish away from the state and federal pumping plants are essential to substantially reduce the massive losses of young fish due to entrainment.

The California Sportfishing Protection Alliance appreciates the opportunity to express our concerns regarding your environmental document. We urge you to properly address these concerns so your efforts actually restore the public's unique natural resource heritage while such an opportunity still exist.

Sincerely,



John Beuttler
For The CSPA Board of Directors